

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRES MANAGEMENT, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-830-G
)	
CBIZ INSURANCE SERVICES, INC.,)	
et al,)	
)	
Defendants.)	


ORDER

Now before the Court is Defendant CBIZ Insurance Services, Inc.’s (“CBIZ”) Motion to Dismiss (Doc. No. 19), seeking dismissal of Plaintiff Tres Management, Inc.’s Complaint (Doc. No. 1) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

Plaintiff filed its Amended Complaint (Doc. No. 24) as a matter of course 14 days after Defendant CBIZ filed its Rule 12(b) motion and Defendant Certain Underwriters at Lloyd’s, London Subscribing to Policy No. 1525/19U10428 filed its Answer (Doc. No. 17). *See* Fed. R. Civ. P. 15(a)(1)(B) (“A party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.”).

Plaintiff’s Amended Complaint supersedes the original Complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991). Accordingly, because Defendant CBIZ’s Motion to Dismiss seeks to dismiss the original Complaint, the Motion to Dismiss (Doc. No. 19) is DENIED AS MOOT.

IT IS SO ORDERED this 15th day of November, 2022



CHARLES B. GOODWIN
United States District Judge